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WESTERN DISTRICT OF TEXAS
BY DEPUTY

When the United States intervenes in a qui tam action under the FCA, the government “may file its own complaint or amend the complaint of a person who has brought an action under section 3730(b) to clarify or add detail to the claims in which the Government is intervening and to add any additional claims with respect to which the Government contends it is entitled to

relief.” 31 U.S.C. § 3731(c). In this case, the United States intends to file its own Complaint in Intervention, which will supersede the relator’s Complaint. The Complaint in Intervention will clarify and add details to the claims relator has asserted, join additional defendants, and exclude claims against parties that the United States does not intend to pursue. In accordance with 31 U.S.C. § 3730(b)(3) and Fed. R. Civ. P. 4, the United States intends to file and serve its Complaint within 120 days.

In support of this Notice of Election to Intervene, the United States has submitted a proposed Intervention Order, which provides for the unsealing of this action, the filing of the United States’ Complaint in Intervention, and service on defendants in accordance with the FCA.

The United States requests that the relator’s Complaint [Dkt. #1], this Notice of Election to Intervene, and the attached Intervention Order be unsealed. The United States requests that all other papers on file in this action remain under seal because, in discussing the nature, content and scope of the United States’ law enforcement investigation, such papers are provided by law to the Court alone for the sole purpose of evaluating whether the seal and time for making an election to intervene should be extended pursuant to 31 U.S.C. § 3730(b)(3).

The United States reserves the right to seek the dismissal of the relator’s action or claim on any appropriate grounds, including under 31 U.S.C. §§ 3730(b)(5) and (e)(4).

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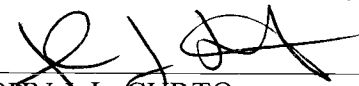
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Date: March 11, 2015

Respectfully submitted,

RICHARD L. DURBIN, JR.
Acting United States Attorney

By:



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Attorneys for the United States of America

CERTIFICATE OF SERVICE

I certify that I caused a copy of the United States' Notice of Election to Intervene, along with a proposed Intervention Order, to be served via electronic mail on relator's counsel at the following address: tgreene@greenellp.com.



JOHN J. LOCURTO
Assistant United States Attorney